Meeting of States Parties

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Twenty-eighth Meeting (resumed)
New York, 15 January 2019

Election of two members of the Commission on the Limits of the Continental Shelf

Note by the Secretary-General

I. Vacancies in the Commission on the Limits of the Continental Shelf

1. On 11 October 2018, pursuant to article 2, paragraph 2, of annex II to the United Nations Convention on the Law of the Sea, the Secretary-General addressed a communication to States parties to the United Nations Convention on the Law of the Sea, in which he called for nominations with respect to one vacant seat allocated to the Asia-Pacific States and one vacant seat allocated to the Eastern European States in the Commission on the Limits of the Continental Shelf.

2. In the communication, the Secretary-General indicated that:

(a) On 25 July 2018, the Chair of the Commission had received a letter from Wenzheng Lyu, in which the latter had conveyed his decision to resign from his position as a member of the Commission, effective immediately;

(b) One member from the Eastern European States remained to be elected. On 12 June 2018, the twenty-eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea had decided that, if the Eastern European States informed the President of the Meeting by 24 September 2018 that one or more candidates had been nominated, a new call for nominations would be circulated by the Secretary-General. No such information had been received at the time of the call for nominations;

(c) As a result of the vacancy created by the resignation of Mr. Lyu, there was a need to resume the twenty-eighth Meeting of States Parties to hold a by-election. The election of a candidate to the remaining seat allocated to the Eastern European States could also be held at the twenty-eighth resumed Meeting, if nominations were received.

3. In the communication, the Secretary-General further noted that the call for nominations was without prejudice to the decision of the twenty-eighth Meeting of States Parties to conduct, should the seat allocated to the Eastern European States

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continue to remain vacant, a by-election at the twenty-ninth Meeting, following a further call for nominations, only if the President received information about potential candidates no less than 14 weeks prior to the commencement of that Meeting (see SPLOS/324, para. 81).

II. By-elections

4. Rule 72 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4) provides that, if the office of a member of the Commission becomes vacant, the Meeting of States Parties shall, in accordance with rule 71, elect a member for the remainder of the predecessor's term. Rule 71 provides that the elections of the members of the Commission shall take place in accordance with article 76 and annex II to the Convention.

5. Article 2, paragraph 3, of annex II to the Convertion provides that elections of the members of the Commission shall be held at a Meeting of States Parties convened by the Secretary-General at Headquarters.

6. It is recalled that article 2, paragraph 1, of annex II to the Convention provides that the members of the Commission shall be experts in the field of geology, geophysics or hydrography.

7. In his communication dated 11 October 2018, the Secretary-General informed States parties that the twenty-eighth Meeting of States Parties would be resumed on 15 January 2019 for the purpose of the election (see SPLOS/L.80).

8. Article 2, paragraph 3, of annex II to the Convention provides that not less than three members of the Commission shall be elected from each geographical region. In this regard, it is recalled that the nineteenth Meeting of States Parties, held in June 2009, approved the arrangement for the allocation of seats on the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf (see SPLOS/201 and SPLOS/203, paras. 96–102). It is also recalled that, for the purpose of conducting the most recent election of 21 members of the Commission held at the twenty-seventh Meeting of States Parties (12–16 June 2017), the arrangement for the allocation of seats contained in document SPLOS/201 applied (see SPLOS/316, para. 79).

9. As a result of the resignation of Mr. Lyu (China), one seat in the Commission that is allocated to the Asia-Pacific States has become vacant. In addition, one seat in the Commission that is allocated to the Eastern European States continues to be vacant.

10. Following the closure of the period of nominations on 10 January 2019, a list of candidates nominated by States parties will be prepared by the Secretary-General, in accordance with article 2, paragraph 2, of annex II to the Convention, and made available on the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.[1]

III. Election procedures

11. In accordance with the practice of the Meeting of States Parties, the election will be held by secret ballot, subject to the agreement of the Meeting. Pursuant to article 2, paragraph 3, of annex II to the Convention, two thirds of the States parties shall constitute a quorum for that Meeting.

[1] See http://www.un.org/depts/los/meeting_states_parties/meeting_states_parties.htm.

12. In keeping with the practice of the Meeting of States Parties, ballot papers will be distributed only to States parties that are listed in the reports of the Credentials Committee as having transmitted formal credentials or provisional information concerning the appointment of representatives participating in the twenty-eighth Meeting. The conference officers will note if a State party is absent and will not leave any ballot paper on the desk of that State party. If a delegation arrives after voting has begun, it may approach the podium in order to receive ballot papers.

13. There will be a ballot paper for each of the regions for which an election is being held. Each ballot paper will indicate that the election concerns one seat and the regional group to which the seat is allocated.

14. Representatives may vote only for one candidate whose name appears on the ballot paper. In order to cast a vote for a candidate, representatives should write an "X" in the box to the left of the name of the candidate. Blank ballot papers will be considered abstentions.

15. After the President has announced that voting has begun, no representative may interrupt the voting, except on a point of order in connection with the actual conduct of the voting.

16. The conference officers, accompanied by the tellers, will collect the ballot papers. All representatives should remain in their seats and wait for their turn to cast their ballots in the box. They should remain seated until all ballots have been collected. Once the collection is complete, the President of the Meeting will provide an opportunity to any delegation of a State party that was absent at the time of the distribution of the ballots to approach the podium and cast its ballots in the box.

17. Once all ballots have been collected, the conference officers, accompanied by the tellers, will proceed to a designated room. After the votes have been counted, the President of the Meeting will announce the outcome.

18. In the event that multiple nominations have been received for a given seat and if, in the first round of balloting, more than the required number of candidates obtain the required majority of votes on the same ballot, the nominee who has obtained the largest number of votes and the required two-thirds majority of the votes of the representatives of the States Parties present and voting will be considered as elected for that seat.

19. If a second round of balloting becomes necessary, this will be restricted to the two candidates who have obtained the largest number of votes in the first ballot, pursuant to rule 65 of the Rules of Procedure for Meetings of States Parties.

20. In accordance with rule 72 of the Rules of Procedure for Meetings of States Parties, members of the Commission thus elected will serve for the remainder of the term, which expires on 15 June 2022.